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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN O. MYERS,

Plaintiff,

2007 Civ. 04078 (RJH) (GWG)

-- against --

HSBC INVESTMENTS (USA) INC.; HSBC
NORTH AMERICA HOLDINGS INC.; HSBC
SECURITIES (USA) INC.; HSBC FINANCE
CORPORATION; and HSBC HOLDINGS PLC,

Defendants.
-----X

~~PROPOSED~~ 
SCHEDULING ORDER

WHEREAS, United States District Judge Richard J. Holwell issued an Order requiring that all parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW THEREFORE, the parties hereby submit the following information as required by the Order:

1. Description of the Case

a. Identify the attorneys of record for each party, including lead trial attorney.

Plaintiff: Fensterstock & Partners LLP
by Blair C. Fensterstock as lead trial attorney
30 Wall Street
New York, New York 10005
(212) 785-4100
BFensterstock@fensterstock.com

Defendants: Schnader Harrison Segal & Lewis LLP
by M. Christine Carty as lead trial attorney
140 Broadway, Suite 3100
New York, New York 10005
(212) 973-8000
CCarty@schnader.com

b. State the basis for federal jurisdiction.

Federal Question.

c. Briefly describe the claims asserted in the complaint and any counterclaims.

This case arises out of Defendants' alleged unlawful violation of (a) the Age Discrimination in Employment Act, 29 U.S.C.A. §§ 621, 623 et. seq. ("ADEA"); (b) the New York State Human Rights Law, Executive Law § 296 et. seq. ("Executive Law"); (c) the Administrative Code of the City of New York § 8-107, et. seq. ("Administrative Code"); and (d) HSBC's own policies, resulting in the discriminatory and unlawful termination of John O. Myers from his position as Head of Intermediary Sales of HSBC Investments (USA) Inc., based solely on his age. Plaintiff alleged also that Defendants have unlawfully retaliated against Mr. Myers in violation of (a) 42 U.S.C.A. § 2000e-3 ("Title VII"); (b) 29 U.S.C.A. § 621, et. seq.; (c) Executive Law §§ 296(1)(e) and 296(7); and (d) Administrative Code §§ 8-101(7). No counterclaims have been asserted.

d. State the major legal and factual issues in the case.

Whether Defendants unlawfully terminated Plaintiff's employment based upon age discrimination and retaliation.

e. Describe the relief sought.

\$20 million in compensatory and punitive damages.

2. Proposed Case Management Plan

a. Identify all pending motions.

Defendants have requested permission to file a F.R.C.P. 12(b)(6) motion to dismiss and a F.R.C.P. 12(f) motion to strike. A pre-motion conference is scheduled for July 26, 2007.

b. Propose a cutoff date for joinder of additional parties.

The proposed cutoff for joinder of additional parties shall be October 31, 2007.

c. Propose a cutoff date for amendments to pleadings.

The proposed cutoff for amendments to pleadings shall be October 31, 2007.

d. Propose a schedule for completion of discovery, including:

i. A date for Rule 26(a)(1) disclosures, if not previously completed:

Rule 26(a) disclosures shall be completed by August 24, 2007;

ii. A fact discovery completion date:

Fact discovery shall be completed by ~~December~~ ^{January} 31, 2007;

iii. A date for Rule 26(a)(2) disclosures:

Plaintiff's Rule 26(a)(2)(A) disclosures shall be completed no later than ~~January~~ ^{Feb. 29} 31, 2008; Deposition of Plaintiff's expert(s) shall be completed by ~~February~~ ^{March 31} 29, 2008; Defendants' Rule 26(a)(2)(A) disclosures shall be completed by ~~March~~ ^{April 30} 31, 2008; Deposition of Defendants' expert(s) shall be completed by ~~April~~ ^{May} 30, 2008.

iv. An expert discovery completion date, including dates for delivery of expert reports:

Plaintiff's expert report(s) must be delivered on or before ~~February~~ ^{March 31} 29, 2008. Defendants' expert report(s) must be delivered on or before ~~March~~ ^{April 30} 31, 2008. All expert discovery shall be completed by ~~April~~ ^{May} 30, 2008.

e. Propose a date for filing dispositive motions.

Dispositive motions shall be filed on or before ~~March~~ ^{April 1} 3, 2008.

f. Propose a date for filing a final pretrial order.

The final pre-trial order and motions in limine shall be filed by May 15, 2008.

g. Propose a trial schedule, indicating:

i. Whether a jury trial is requested:

A jury trial is requested;

ii. The probable length of trial:

The probable length of trial is 5-7 days;

iii. **When the case will be ready for trial:**

The case will be trial ready by May 15, 2008.

3. **Consent to Proceed Before a Magistrate Judge: Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.**

The parties do not consent to proceed before a Magistrate Judge, except to discovery and ancillary matters.

4. **Status of Settlement Discussions.**

a. **Indicate whether any settlement discussions have occurred.**

Settlement discussions had prior to commencement of action were not fruitful.

b. **Describe the status of any settlement discussions.**


Settlement discussions have not resumed.

c. **Whether parties request a settlement conference.**

The parties do not request a settlement conference.

5 a status conference shall be held on 2/8/08 at 10:30 ✓
Dated: New York, New York
July 26, 2007

FENSTERSTOCK & PARTNERS LLP


Blair C. Fensterstock (BF 2020)
30 Wall Street
New York, New York 10005
(212) 785-4100

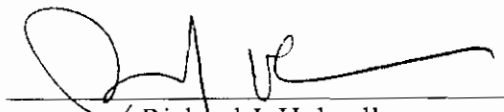
Attorneys for Plaintiff

SCHNADER HARRISON SEGAL &
LEWIS LLP

15/ Christine Carty
M. Christine Carty (MC 1796)
140 Broadway, Suite 3100
New York, New York 10005
(212) 973-8000

Attorneys for Defendants

SO ORDERED:


Richard J. Holwell
United States District Judge

7/26/07